

# **TRIAL EXHIBIT 405**

From: Eric Schmidt.  
To: [ - ] Bob Lee.  
Cc: [ - ] eschmidt@google.com.  
Bcc: [ - ]  
Subject: RE: It was great chatting with you yesterday..

Sent:5/30/2008 11:00 PM.

Thanks Bob.. you were great to walk around with. I'm not surprised about Sun's position; this has been a long standing pattern. I can send a note to their CEO if that would help. My own view is that creating a truly free competitor is the best way to fix this; they won't really be responsible until there is a good alternative.

Thanks eric

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From: Bob Lee [mailto:crazybob@google.com]  
Sent: Friday, May 30, 2008 10:57 PM  
To: Eric Schmidt  
Subject: It was great chatting with you yesterday.

This is the YouTube-powered site I told you about: <http://www.totlol.com/>

On Wednesday, I spoke about Guice, an open source project I created and released one year ago (<http://code.google.com/p/google-guice/>). Guice won Dr. Dobb's Jolt award a couple months back.

I hope you don't mind if I pick your brain for a moment. I'm certain you're already aware of this, but Sun has been abusing their special position within the JCP and playing licensing games with Java SE in order to keep it off phones and protect their Java ME licensing revenues. Sun puts field-of-use restrictions in the Java SE TCK licenses which prohibit Java SE implementations from running on anything but a desktop or server. These restrictions prevent Apache Harmony from independently implementing Java SE (Harmony can't put those restrictions on their own users and still Apache license the code) not to mention Android (though that's water under the bridge at this point). The JCP EC won't vote "yes" to start work on Java 7 until Sun straightens their act up, but Sun isn't budging and even threatens to blow up the JCP if things don't resolve themselves in the next couple months. We obviously depend heavily on Java internally and would like to see it move forward. Do you have any advice? What would you like to see happen here?

Thanks,  
Bob

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**TRIAL EXHIBIT 405**

CASE NO. 10-03561 WHA

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